



I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY: *Gladys C. Morales* Date: *March 3, 2005*

**MAIL STOP AMENDMENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Patent Application of Steven A. Bove et al.	: Group Art Unit: 3624 : : :
Appln. No.:	09/328,626	: Examiner: D. Felten : :
Filed:	June 9, 1999	: : :
For:	SYSTEM AND METHOD FOR AUTOMATING INVESTMENT PLANNING	: Attorney Docket : No. 245-111 :

**DECLARATION OF PRIOR INVENTION  
TO OVERCOME CITED PATENT (37 CFR § 1.131)**

**PURPOSE OF DECLARATION**

This declaration is to establish completion of the invention in this application in the United States at a date prior to August 26, 1998, which is the effective date of the prior art U.S. Patent No. 6,430,542 (Moran), which was cited and applied by the Examiner.

The persons making this declaration are the inventors, and are thus qualified to submit this declaration under 37 CFR § 1.131.

**FACTS AND DOCUMENTARY EVIDENCE**

To establish the date of completion of the invention of this patent application, copies of the following documents (with the applicable dates blacked out) and supporting statements are submitted as evidence:

### Documents

EXHIBIT 1: Screen shot of file name, type, size and storage date of four files which contain EXHIBITS 2-5. (1 page)

EXHIBIT 2: The Logic Behind Auto-Rebal<sup>®</sup> which corresponds to file name "Steves\_Auto-Rebal-Logic.doc" in EXHIBIT 1.(35 pages)

EXHIBIT 3: Auto Rebal Model – Version 3.0 which corresponds to file name "MODEL3\_0.VSD" in EXHIBIT 1. (36 pages)

EXHIBIT 4: Meeting Minutes which corresponds to file name "Model\_review\_....doc" in EXHIBIT 1. (1 page)

EXHIBIT 5: Excel worksheets for use in a sample rebalancing process. (39 pages)

All of the exhibits referred to above are identical to the exhibits submitted in the "Declaration of Prior Invention..." filed on July 14, 2004. The exhibits in that Declaration are incorporated by reference herein and thus no additional copies of any of the Exhibits are enclosed.

### Supporting statements

1. The blacked out storage dates in Exhibit 1 are all prior to August 26, 1998.

2. The blacked out date on the front page of Exhibit 2 is prior to August 26, 1998.

Exhibit 2 was created prior to August 26, 1998, as further evidenced by the blacked out date in Exhibit 1 that corresponds to the file associated with Exhibit 2. The entire contents of Exhibit 2 is substantially provided on page 23, line 1 through page 57, line 2 and Fig. 7 of the present application.

3. Exhibit 3 was created prior to August 26, 1998, as evidenced by the blacked out date in Exhibit 1 that corresponds to the file associated with Exhibit 3. Exhibit 3 shows a detailed data flowchart of the present invention.

4. The blacked out dates on Exhibit 4 are prior to August 26, 1998. Exhibit 4 was created prior to August 26, 1998, as further evidenced by the blacked out date in Exhibit 1 that corresponds to the file associated with Exhibit 4. Exhibit 4 states that the purpose of the meeting is to "Review the current version of the rebalancing algorithm..."

5. Exhibit 5 was created prior to August 26, 1998, as evidenced by the blacked out date in Exhibit 1 that corresponds to the file associated with Exhibit 5.

From the attached documents and the supporting statements, we submit that it has been established that the invention in this application was made prior to August 26, 1998, which is the effective date of the prior art U.S. Patent No. 6,430,542 (Moran).

### TIME OF PRESENTATION OF THE DECLARATION

This declaration is submitted prior to final rejection.

### DECLARATION

As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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